THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5702 of 2007

Date: 30.03.2007

Between:

Ganto Manoj Kumar and others

....Petitioners

and

The District Registrar, Registration and
Stamps Department, Visakhapatnam and others

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5702 of 2007

O R D E R:

Petitioners state that a General Power of Attorney was executed in their favour on 12.1.2005, in respect of the land, admeasuring Ac.1.40 cents, covered under Zerite Patta No. 105 in Survey No.142/5 of Adavivaram village, Chinagadhili Mandal, Gopalapatnam, Visakhapatnam District. According to them, certain documents, in relation to the said property, were presented to the second respondent for registration. The grievance of the petitioners is that the respondents are not accepting the documents for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the lands in the said survey number. This writ petition is filed seeking appropriate directions to the respondent in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein.

Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the respondents to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the respondents to receive and process the documents, if any, presented by the petitioners and take necessary steps in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Date: 30.03.2007
Note: Issue C.C. in three days.
(B/o)
JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77